MODEL—Continued

| Certified units | Under certification |
|---|---|
| DV36 | |
| DV40 | |
| DVS2 | |
| DVS3 | |
| HEDV30 and HEDV30–1 | |
| FSDV30 | |
| FS30 | |
| FA20 | |
| HE30 | |
| HEB30 | |

Any questions regarding this subject, please contact me at the above address. Your help is highly appreciated. Thank you.

Yours Truly,

Ferdinand M. Francisco,

*Lab. Manager.*

[FR Doc. 95–31423 Filed 12–27–95; 8:45 am]

BILLING CODE 6450–01–P

## Energy Conservation Program for Consumer Products: Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of Vermont Castings, Inc. From the DOE Vented Home Heating Equipment Test Procedure (Case No. DH–003)

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice.

**SUMMARY:** Today's notice grants an Interim Waiver to Vermont Castings, Inc. (Vermont Castings) from the existing Department of Energy (DOE or Department) test procedure regarding pilot light energy consumption and weighted average steady-state efficiency for its manually controlled vented heaters, models DV25 (Gas Fired Freestanding Direct Vent Firebox) and DH20 (Gas Fired Wallmount/Zero Clearance Direct Vent Firebox).

Today's notice also publishes a ''Petition for Waiver'' from Vermont Castings. Vermont Castings' Petition for Waiver requests DOE to grant relief from the DOE vented home heating equipment test procedure relating to the use of pilot light energy consumption in calculating the Annual Fuel Utilization Efficiency (AFUE) and the calculation of weighted average steady state efficiency of its models DV25 and DH20 vented heaters. Vermont Castings seeks to delete the required pilot light measurement ($Q_p$) in the calculation of AFUE when the pilot is off, and to test at a minimum fuel input rate of two-thirds instead of the specified 5 percent of 50 percent of the maximum fuel input rate in the calculation of AFUE. The Department is soliciting comments, data, and information respecting the Petition for Waiver.

**DATES:** DOE will accept comments, data, and information not later than January 29, 1996.

**ADDRESSES:** Written comments and statements shall be sent to: Department of Energy, Office of Energy Efficiency and Renewable Energy, Case No. DH–003, Mail Stop EE–43, Room 1J–018, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585–0121, (202) 586–7140.

**FOR FURTHER INFORMATION CONTACT:**

William W. Hui, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585–0121, (202) 586–9145,

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–72, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585–0103, (202) 586–9507

**SUPPLEMENTARY INFORMATION:** The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act, as amended (EPCA), which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including vented home heating equipment. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making informed purchasing decisions. These test procedures appear at Title 10 CFR Part 430, Subpart B.

The Department amended the test procedure rules to provide for a waiver process by adding § 430.27 to Title 10 CFR Part 430. 45 FR 64108, September 26, 1980. Subsequently, DOE amended the waiver process to allow the Assistant Secretary for Energy Efficiency and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. Title 10 CFR Part 430, § 430.27(a)(2).

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures, or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

An Interim Waiver will be granted if it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. Title 10 CFR Part 430, § 430.27(g). An Interim Waiver remains in effect for a period of 180 days, or until DOE issues a determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

On July 7, 1995, Vermont Castings filed an Application for Interim Waiver and a Petition for Waiver regarding (a) pilot light energy consumption and (b) weighted average steady state efficiency. On October 30, 1995, Vermont Castings submitted a letter to DOE requesting modifications to the model nomenclature and minimum fuel input rate of the vented heaters submitted for consideration in the July 7, 1995 Waiver requests.

Vermont Castings seeks an Interim Waiver from the DOE test provisions in section 3.5 of Title 10 CFR Part 430, Subpart B, Appendix O, that require measurement of energy input rate of the pilot light ($Q_p$), and the use of this data in section 4.2.6 for the calculation of AFUE, where:

$$AFUE=(4400\eta_{SS}\eta_u Q_{in\text{-}max}) / (4400\eta_{SS}\eta_u Q_{in\text{-}max}+2.5(4600)\eta_u Q_P)$$

Instead, Vermont Castings requests that it be allowed to delete $Q_p$ and accordingly, the $(2.5(4600)\ \eta_u\ Q_p)$ term in the calculation of AFUE. Vermont Castings states that instructions to turn off the transient pilot by the user when the heater is not in use are in the User Instruction Manual and on a label adjacent to the gas control valve. Therefore, the additional energy savings that result when the pilot is turned off ($Q_P=0$) should be credited. Since the current DOE test procedure does not address pilot light energy savings, Vermont Castings asks that the Interim Waiver be granted.

Vermont Castings also seeks an Interim Waiver from the DOE test provisions in section 3.1.1 of Title 10 CFR Part 430, Subpart B, Appendix O,

which require steady state efficiency of manually controlled vented heaters with various input rates to be determined at a fuel input rate that is within ±5 percent of 50 percent of the maximum fuel input rate, and the use of this data in section 4.2.4 to determine the weighted average steady state efficiency needed in the calculation of AFUE. Instead, Vermont Castings requests that it be allowed to determine steady state efficiency, weighted average steady state efficiency, and AFUE at a minimum fuel input rate of two-thirds of the maximum fuel input rate for its manually controlled vented heaters which do not adjust to an input rate as low as 50 percent. Since the current DOE test procedure does not address steady state testing for manually controlled vented heaters with various input rates at fuel input rates other than within ±5 percent of 50 percent of the maximum fuel input rate, Vermont Castings asks that the waiver be granted.

Previous Petitions for Waiver to exclude the pilot light energy input term in the calculation of AFUE for home heating equipment with a manual transient pilot control and allowance to determine weighted average steady state efficiency used in the calculation of AFUE at a minimum fuel input rate of 65.3 percent of the maximum fuel input rate instead of the specified ±5 percent of 50 percent of the maximum fuel input rate have been granted by DOE to Appalachian Stove and Fabricators, Inc., 56 FR 51711, October 15, 1991, and Valor Incorporated, 56 FR 51714, October 15, 1991.

The Department published a Notice of Proposed Rulemaking on August 23, 1993, to amend the vented home heating equipment test procedure, which would allow the above requests. 58 FR 44583.

Thus, it appears likely that Vermont Castings' Petition for Waiver for pilot light and weighted average steady state efficiency for home heating equipment will be granted. In those instances where the likely success of the Petition for Waiver has been demonstrated based upon DOE having granted a waiver for a similar product design, it is in the public interest to have similar products tested and rated for energy consumption on a comparable basis.

Therefore, based on the above, DOE is granting Vermont Castings an Interim Waiver for its models DV25 and DH20 vented heaters. Vermont Castings shall be permitted to test its models DV25 and DH20 vented heaters on the basis of the test procedures specified in Title 10 CFR Part 430, Subpart B, Appendix O, with the modifications set forth below:

(i) Delete paragraph 3.5 of Appendix O.

(ii) Delete paragraph 4.2.4 of Appendix O and replace with the following paragraph:

4.2.4 Weighted Average Steady-State Efficiency. (a) For manually controlled heaters with various input rates, the weighted average steady-state efficiency ($\eta_{SS-WT}$) is:

(1) At ± 5 percent of 50 percent of the maximum fuel input rate as measured in either section 3.1.1 to this appendix for manually controlled gas vented heaters or section 3.1.2 to this appendix for manually controlled oil vented heaters, or

(2) At the minimum fuel input rate as measured in either section 3.1.1 to this appendix for manually controlled gas vented heaters or section 3.1.2 to this appendix for manually controlled oil vented heaters if the design of the heater is such that ±5 percent of 50 percent of the maximum fuel input rate can not be set, provided the tested input rate is no greater than two-thirds of maximum input rate of the heater.

(b) For manually controlled heater with one single firing rate, the weighted average steady-state efficiency is the steady-state efficiency measured at the single firing rate.

(iii) Delete paragraph 4.2.6 of Appendix O and replace with the following paragraph:

4.2.6 Annual Fuel Utilization Efficiency. For manually controlled vented heaters, calculate the Annual Fuel Utilization Efficiency (AFUE) as a percent and defined as:

$AFUE=\eta_u$

Where:

$\eta_u$=as defined in section 4.2.5 of this appendix.

(iv) With the exception of the modification set forth above, Vermont Castings shall comply in all respects with the procedures specified in Appendix O of Title 10 CFR Part 430, Subpart B.

This Interim Waiver is based upon the presumed validity of statements and all allegations submitted by the company. This Interim Waiver may be removed or modified at any time upon a determination that the factual basis underlying the Application is incorrect.

The Interim Waiver shall remain in effect for a period of 180 days or until DOE acts on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180-day period, if necessary.

Vermont Castings' Petition for Waiver requests DOE to grant relief from the DOE vented home heating equipment relating to the pilot light and weighted average steady state efficiency. Vermont Castings seeks (a) to exclude the pilot light energy consumption in the calculation of AFUE, and (b) to determine the weighted average steady state efficiency used in the calculation of AFUE at a minimum fuel input rate of two-thirds of the maximum fuel input rate instead of the specified ±5 percent of 50 percent of the maximum fuel input rate. Pursuant to paragraph (b) of Title 10 CFR Part 430.27, the Department is hereby publishing the ''Petition for Waiver.''

The Petition contains confidential company information; thus, the confidential attachments submitted by Vermont Castings are not being published. The Department solicits comments, data, and information respecting the Petition.

Issued in Washington, D.C. on December 21, 1995.

Christine A. Ervin,

*Assistant Secretary, Energy Efficiency and Renewable Energy.*

Vermont Castings

July 7, 1995.

The Honorable Christine Ervin,

*Assistant Secretary for Energy Efficiency and Renewable Energy, United States Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585*

Re: Petition for Waiver and Application for Interim Waiver

Dear Secretary Ervin: This is a Petition for Waiver and Application for Interim Waiver submitted pursuant to Title 10 Code of Federal Regulations 430.27. as amended 14 November 1986. Vermont Castings is requesting acceptance of two waivers from the test procedures which appear at 10 CFR, part 430, subpart B. Appendix O—Uniform Test Method for Measuring the Energy Consumption of Vented Home Heating Equipment. The particular sections for which the waivers are required are detailed in each of the following Waiver Requests.

These waivers are requested for:

*MODEL DV25*

Gas Fired Freestanding Direct Vent Firebox

*MODEL DV20*

Gas Fired Wallmount/Zero Clearance Direct Vent Firebox

Waiver Request No. 1—

This request refers to section 3.1.1—Gas fueled vented home heating equipment and section 4.2.4—Weighted-average steady-state efficiency. These sections state that for manually controlled heaters with various input rates the weighted-average steady-state efficiency is measured at a fuel input rate of ±5 percent of 50 percent of the maximum fuel input rate. Both of the heater models included in this request utilize a combination gas control with has a variable pressure regulator set point which allows the user to easily vary the manifold pressure of the appliance within a fixed range of pressures. Specifically the range of manifold adjustment

for Natural gas is 3.5″ W.C. to 1.7″ W.C. and for Propane gas from 10.0″ W.C. to 4.9″ W.C. These pressure ranges allow the user to vary the fuel input rates on the model DV25 from 25,000 BTUH to 17,500 BTUH and on the model DV20 from 20,000 BTUH to 14,000 BTUH. For both models the minimum fuel input rate is limited to 70% of the maximum fuel input rate and it is therefore not possible to operate these heaters in accordance with the Manufacturer's Users Instructions and obtain a rate of 50% of the maximum fuel input rate. Since the 50% rate specified in the Regulations can not be normally achieved on these products we request that this requirement be waived for these appliances.

Vermont Castings requests to utilize the test procedure proposed by DOE on 23 August, 1993, 58 FR 44538. Accordingly, we request to calculate the weighted average steady-state efficiency using the minimum obtainable fuel input rate provided this rate is no greater than ⅔ maximum input rate of the heater. Specifically, the models included in this request will be tested at ⅔ of the maximum fuel input rate.

The current test procedure does not credit Vermont Castings for the additional energy savings that occur when the minimum fuel input rate is limited to 70% of the maximum input rate. Test data shows a significant increase in the actual overall AFUE when compared to results obtained at a rate of 50% of the maximum fuel input rate. Copies of confidential test data confirming the energy savings will be forwarded to you upon request.

Waiver Request No. 2—

This request refers to section 3.5—Pilot Light Measurement and section 4.2.6—Annual Fuel Utilization Efficiency (AFUE). These sections require the measurement of energy input to the pilot light ($Q_p$) and the use of this data in the calculation of AFUE for the energy consumed by the pilot light when the heater is not in operation.

Both of the heater models included in this request are designed with a transient pilot which is to be turned off by the user when the heater is not in use. The control knob on the combination gas control in these heaters has three positions—''OFF'', ''PILOT'' and ''ON''. Gas flow to the pilot is obtained by rotating the control knob from ''OFF'' to ''PILOT'', depressing the knob, holding in, and pressing the piezo ignitor. When the pilot heats a thermocouple element, sufficient voltage is supplied to the combination gas control for the pilot to remain lit when the knob is released and turned to the ''ON'' position. The main burner can then be ignited by moving an ON/OFF switch to the ''ON'' position. Instructions in both the Users Instruction Manual and on a label adjacent to the gas control require the user to move the gas control knob to the ''OFF'' position when the heater is not in use. Since the current test procedure does not credit Vermont Castings for the additional energy savings that occur when the pilot is turned off, we request the requirement to include energy input to the pilot light in the AFUE calculation be waived for these appliances.

Vermont Castings requests to utilize the test procedure purposed by DOE on 23 August, 1993. 58 FR 44538. Specifically, we request the term involving the pilot light energy consumption be deleted from the calculation of AFUE for the models included in this request. This results in an AFUE which is equal to the heating seasonal efficiency.

Test data shows a significant increase in the actual overall AFUE when compared to results obtained when energy input to the pilot is included in the overall AFUE. Copies of confidential test data confirming the energy savings will be forwarded to you upon request.

Vermont Castings is confident that both of these waivers will be granted, as similar waivers have been granted in the past to Appalachian Stove and Fabricators, Inc. and Valor Incorporated. Also, the revisions to the test procedure which we request have been published by DOE as proposed changes on 23 August, 1993. 58 FR 44538.

Manufacturers that domestically market similar products are being sent a copy of this Petition for Waiver and Application for Interim Waiver.

Sincerely,

Steve Ballou,

*Director of Engineering.*

DOE Waiver Request Vendors Being Notified

Aladdin Steel Products, Inc., 401 North Wynne Street, Colville, WA 99114, Attn: Alan J. Trusler

Canadian Heating Products Inc., 12091 88th Avenue, Surrey, B.C. V3W 3J5, Canada, Attn: Dan Binzer, President

CFM Inc., 475 Admiral Boulevard, Mississauga, Ontario L5T 2N1, Canada, Attn: Heinz Rieger, President

Fireplace Manufacturers Incorporated, 2701 South Harbor Boulevard, Santa Ana, CA 92704–5803. Attn: Steve Cropp, Vice President of Engineering

Hearthstone Stoves/NHC Inc., P.O. Box 1069, Morrisville, VT 05661, Attn: Manuel L. Perez, President

Heatilator, Inc., 1915 West Saunders Street, Mt. Pleasant, IA 52641, Attn: Bob Burns, President

Heat-N-Glo Fireplace Products, Inc., 6665 West Highway 13, Savage, MN 55378, Attn: Ron Shimek, President

Hunter Enterprises Orillia Ltd., 100 Hunter Valley Road, P.O. Box 400, Orillia, Ontario L3V 6K1, Canada, Attn: Bryan Spencer, Engineering Manager

The Majestic Company, 1000 East Market Street, Huntington, IN 46750–2576, Attn: J. Michael Whiteman, Director, Product Development

Martin Industries, Inc., P.O. Box 128, Florence, AL 35630, Attn: James D. Wilson, President and CEO

Mendota Hearth Corporation, 1890 Wooddale Drive, Woodbury, MN 55125, Attn: Gregory Iverson, National Marketing Manager

Regency Fireplace Products, 7830 Vantage Way, Delta, B.C. V4G 1A7, Canada, Attn: Robert Little, President

Superior Fireplace Company, 4325 Artesia Avenue, Fullerton, CA 92633–2522, Attn: Samir Barudi, Vice President, Engineering

Temco Fireplace Products, 301 So. Perimeter Park Drive, Suite 227, Nashville, TN 37211–4128, Attn: Jack Fahey, Vice President, Sales and Mktg.

Vermont Castings

October 30, 1995—Revised

Mr. Bill Hui,

*Office of Energy Efficiency and Renewable Energy, United States Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585*

Re: Vermont Castings Petition for Waiver and Application for Interim Waiver

Dear Mr. Hui: I am writing in response to your request for more information regarding our Petition for Waiver and Application for Interim Waiver dated July 7, 1995. Some of the information in our original request has been changed.

The gas control for the new model DV25 has been changed to allow the user to adjust the fuel input rate from a maximum of 25,000 BTUH to a minimum of 20,000 BTUH. The minimum fuel input rate will be limited to 80 percent of the maximum fuel input rate rather than 70 percent of the maximum fuel input rate as stated in our original request.

The model nomenclature for model DV20 has been changed to DH20 and the minimum fuel input rate will also been limited to 80 percent of the maximum fuel input rate. This model will have a maximum fuel input rate of 20,000 BTUH and a minimum fuel input rate of 16,000 BTUH rather than 14,000 BTUH as stated in our original request.

Both of these models will be shipped from our factory with a gas control which limits the range of adjustment by the homeowner to the ranges specified above. When these units are tested in our laboratory at lower firerates, the gas control must be modified in one of two ways:

- The regulator assembly located on the gas control is replaced with a regulator assembly which allows adjustment to a lower manifold pressure (lower firerate).
- The regulator assembly located on the gas control is modified by breaking a seal and readjusting internal stops to allow adjustment to a lower manifold pressure.

Even though these Vermont Castings units can only be turned down to 80 percent of their maximum fire rate when shipped from our factory we have requested to calculate AFUE ratings for our initial production units by testing at ⅔'s of the maximum fire rate. Attached to this letter is data from one pre-production model which compares AFUE ratings based on fire rates of 100 percent, 80 percent, ⅔ and 50 percent of the maximum fire rate. This data shows that an AFUE rating based on ⅔ maximum firerate is lower than an AFUE rating based on 80 percent maximum firerate.

Vermont Castings will support a DOE proposal to rate appliances at the lower value obtained form tests at the maximum firerate and the minimum firerate as shipped from the factory. Until this test procedure can be finalized, we request that our interim waiver utilizing a more conservative method of rating at ⅔ maximum firerate be granted as soon as possible.

Sincerely,

Dave Christensen,

*Project Engineer.*

[FR Doc. 95–31424 Filed 12–27–95; 8:45 am]

BILLING CODE 6450–01–M

## Office of Fossil Energy

**[Docket No. FE C&E 95–01—Certification Notice—147]**

### Panda Brandywine, Limited Partnership, Notice of Filing of Coal Capability Powerplant and Industrial Fuel Use Act

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Notice of filing.

**SUMMARY:** On December 11, 1995, Panda Brandywine, Limited Partnership, submitted a coal capability self-certification pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

**ADDRESSES:** Copies of self-certification filings are available for public inspection, upon request, in the Office of Fuels Programs, Fossil Energy, Room 3F–056, FE–52, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** Ellen Russell at (202) 586–9624.

**SUPPLEMENTARY INFORMATION:** Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 et seq.), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy. The Secretary is required to publish a notice in the Federal Register that a certification has been filed. The following owner/operator of a proposed new baseload powerplant has filed a self-certification in accordance with section 201(d).

*Owner:* Panda Brandywine, Limited Partnership.

*Operator:* Panda Brandywine, Limited Partnership.

*Location:* Brandywine, Maryland.

*Plant Configuration:* Combined cycle, cogeneration facility.

*Capacity:* 230 megawatts.

*Fuel:* Natural gas.

*Purchasing Entities:* Potomac Electric Power Company.

*In-Service Date:* October 31, 1996.

Issued in Washington, D.C., December 19, 1995.

Anthony J. Como,

*Director, Office of Coal & Electricity, Office of Fuels Programs, Office of Fossil Energy.*

[FR Doc. 95–31421 Filed 12–27–95; 8:45 am]

BILLING CODE 6450–01–M

**[Docket No. FE–R–79–43B]**

### Electric and Gas Utilities Covered in 1996 by Titles I and III of the Public Utility Regulatory Policies Act of 1978 and Requirements for State Regulatory Authorities To Notify the Department of Energy

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Notice.

**SUMMARY:** Sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA) require the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each electric utility and gas utility to which Titles I and III of PURPA apply during such calendar year. In addition, sections 102(c) and 301(d) of PURPA require each State regulatory authority to notify the Secretary of Energy of each electric utility and gas utility on the list for which such State regulatory authority has ratemaking authority. Written comments are requested on the accuracy of the list of electric utilities and gas utilities. This Notice is to announce the availability of the 1996 list.

The list is available both in hard copy and electronically. The hard copy version of the 1996 list is being provided by mail to all State regulatory authorities. Other parties interested in receiving the hard copy list may contact the **FOR FURTHER INFORMATION CONTACT** identified below. In addition, the Office of Fuels Programs operates an electronic bulletin board as a service to commercial and government users, as well as the general public. The 1996 list is also available by accessing the bulletin board.

**DATES:** Notifications by State regulatory authorities and written comments must be received by no later than 4:30 p.m. on February 15, 1996.

**ADDRESSES:** Notifications and written comments should be forwarded to: Department of Energy, Office of Coal and Electricity, FE–52, 1000 Independence Avenue, SW., Room 3F–070, Docket No. FE–R–79–43B, Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** Steven Mintz, Office of Coal and Electricity, Fossil Energy, Department of Energy, 1000 Independence Avenue, SW., Room 3F–070, FE–52, Washington, DC 20585, Telephone 202/586–9506.

**SUPPLEMENTARY INFORMATION:**

I. Background

Pursuant to sections 102(c) and 301(d) of PURPA, Pub. L. 95–617, 92 Stat. 3117 *et seq.* (16 U.S.C. 260l *et seq.*, hereinafter referred to as the Act) the Department of Energy (DOE) is required to publish a list of utilities to which Titles I and III of PURPA apply in 1996.

State regulatory authorities are required by the Act to notify the Secretary of Energy as to their ratemaking authority over the listed utilities. The inclusion or exclusion of any utility on or from the list does not affect the legal obligations of such utility or the responsible authority under the Act.

The term ''State regulatory authority'' means any State, including the District of Columbia and Puerto Rico, or a political subdivision thereof, and any agency or instrumentality, which has authority to fix, modify, approve, or disapprove rates with respect to the sale of electric energy or natural gas by any utility (other than such State agency). In the case of a utility for which the Tennessee Valley Authority (TVA) has ratemaking authority, the term ''State regulatory authority'' means the TVA.

Title I of PURPA sets forth ratemaking and regulatory policy standards with respect to electric utilities. Section 102(c) of Title I requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each electric utility to which Title I applies during such calendar year. An electric utility is defined as any person, State agency, or Federal agency that sells electric energy. An electric utility is covered by Title I for any calendar year if it had total sales of electric energy, for purposes other than resale, in excess of 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. An electric utility is covered in 1996 if it exceeded the threshold in any year from 1976 through 1994.

Title III of PURPA addresses ratemaking and other regulatory policy standards with respect to natural gas utilities. Section 301(d) of Title III